1. The Examiner's response regarding the election of Species I with traverse is noted.

2. Claims 5, 6, and 8-10 have been amended to correct the antecedent basis and the rejection as applied under 35 U.S.C. 112. Claim 12 has been canceled. Reconsideration is respectfully requested.

3-5. The rejection of claims 1-4, 8-10, 13, and 14 and the subsequent rejection of claims 5 and 6, and the subsequent rejection of claim 7 under 35 USC 103 (a) is noted as applied to various combinations of Holley, DE 1,111,353, Agelatos et al, and Lee, III.

Claim 1 has been amended (paraphrasing) to include a hose that is used to vent to a location outside the room in which the portable commode is disposed.

None of the references teach a hose attached to a portable commode. The nature of a portable commode, as previously taught, implies freedom to move it about, and the use of a hose would apparently teach away from all of the prior art uses for a portable commode.

DE 1,111,353 teaches the use of a ventilator 10 and filter 11 for exhausting the gas into the same room as the commode is disposed. There is no teaching or suggestion to attach a hose thereto. In fact, DE 1,111,353 teaches away from the use of a hose because the purpose of the filter is to cleanse the gaseous mixture prior to its release back into the air.

The instant invention, as claimed, eliminates the need for the filter of DE 1,111,353 by including a hose and venting the gaseous mixture to a location outside of the room where it cannot be inhaled and therefore no odor detected.

Any combination of the hose, as claimed, with any known *portable commode*, would fail to anticipate the invention as claimed.

Two of the references cited teach "conventional toilets" that are not portable. The use of a hose with a fixed toilet is consistent with prior art teaching, yet the use of a hose with a portable commode has no known antecedent basis.

The applicant respectfully asserts that it is not proper to propose a combination where a hose, a fixed structure of a fixed conventional toilet, is combined with the teachings of portable commodes.

The very nature of a hose attached to the portable commode would appear to limit its portability. While this is true to an extent, the commode remains portable in the room and can be disposed adjacent to a bed of an elderly person or recovering patient.

This is exactly the purpose of the instant invention. Such was not possible with prior art portable commodes because of the smell. However the instant invention sacrifices some portability of the portable commode (it can be moved anywhere the hose reaches), but it can be moved right beside the bed, or chair, or other location as the person requires. This is not possible with a fixed conventional type of a toilet, due to the plumbing requirements.

Accordingly, a new type of a portable commode is provided, one that does not emit odor and can be freely moved (i.e., is portable) limited only by the length and flexibility of the attached hose.

The hose, as claimed, is a new element for portable commodes and would be absent any proposed combination of portable commodes. As this element is also included as a limitation in all remaining dependent claims they, as well as the base claim, are believed to be in condition of allowance. Reconsideration of remaining claims 1-10 and 13-14 is respectfully requested.

6. The election concerns have been addressed.

7. DE '353 teaches venting proximate the commode. There is no prior art teaching or suggestions of venting a *portable commode* to a distal location outside the room by the use of a hose. The previous support provided above affirms this position.

8. The applicant has explained his position in that the use of a DC motor is a significant change, especially when the power of the motor is so low. The Examiner asserts that the design choice is predicated upon whether an electrical outlet is nearby. The use of a DC motor, as claimed, occurs regardless of whether an electrical outlet is available. If one is, then the AC is converted to DC and used to drive the motor. The DC motor is brushless and does not produce

sparks. Also, a much lower power motor than ever before possible is used because the efficient design of the instant invention allows for only a small quantity of air to be moved to ameliorate any odor problem.

However, the motor limitations are not believed to be required to differentiate the invention apart from the known prior art portable commodes.

As all remaining claims 1-10 and 13-14 appear to be in condition of allowance, reconsideration thereof is respectfully requested and a notice of allowance is courteously urged at the earliest time.

9. The applicant appreciates the opportunity to communicate by telephone with Examiner Eloshway, if necessary.

10. Please direct all future correspondence to the new correspondence address shown below.

Respectfully submitted,

8-10-02

Risto A. Rinne, Jr.

2173 East Francisco Blvd.
Suite E
San Rafael, CA 94901

1-415-457-6933